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6
7 IN THE UNITED STATES DISTRICT COURT
8
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR05-544-MJJ
11 v.) STIPULATION AND PROPOSED ORDER CONTINUING HEARING
12 TYRONE BLACKMORE,) DATE
13 Defendant.) Date: February 2, 2006
14 _____) Time: 2:00 p.m.
15) Court: Hon. Martin J. Jenkins
16) U.S. District Court

17 This matter is currently scheduled for change of plea on Thursday, February 2, 2006, at
18 2:00 p.m. The parties jointly request that this hearing date be continued one week to the new
19 date of February 10, 2006, at 2:30 p.m. in the Federal Courthouse in Oakland, California, for the
20 reasons set forth below.

21 At our last appearance, the defendant though counsel indicated his desire to enter an open
22 plea to the indictment. Since that time, however, the parties have further discussed the possibility
23 of a negotiated disposition. Based on these discussions, it now appears that this matter will
24 resolve by way of a plea agreement rather than an open plea. At this time, however, the parties
25 are continuing to discuss the precise terms of the plea agreement and Mr. Blackmore has therefore
26 not had an opportunity to consider all of its terms with his counsel.

27 The parties therefore jointly stipulate and agree that the matter should be continued one week
28 to afford the parties additional time to finalize the plea agreement and to provide the defendant
29 with sufficient time to review and consider its terms. The parties further stipulate and agree that

the time between February 2 and February 10, 2006, should be excluded under the Speedy Trial Act, to afford the defendant the reasonable time necessary for effective preparation, including research relevant to sentencing calculations, and an adequate opportunity to review the terms of the plea agreement once it is prepared. 18 U.S.C. §3161(h)(8)(A) and (b)(iv).

SO STIPULATED.

Dated: February __, 2006

/S/
HILARY A. FOX
Attorney for Defendant BLACKMORE

Dated: February __, 2006

/S/
CANDICE JAN
Assistant United States Attorney

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this 3-filed document.

ORDER

Good cause appearing therefore, and pursuant to the stipulation of the parties, it is hereby ORDERED that the hearing currently set for Thursday, February 2, 2006, at 2:00 p.m. is continued to Friday, February 10, 2006, at 2:30 p.m. in the Federal Courthouse in Oakland, California. The Court further finds that the period from February 2 through February 10, 2006, shall be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (b)(iv), because the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court finds, based on the stipulation of the parties, that the continuance is necessary to afford the defendant the reasonable time necessary for effective preparation, including research relevant to sentencing calculations, taking into account the exercise of due diligence, and also to ensure that the defendant has an adequate opportunity to review the terms of the plea agreement once it is prepared.

IT IS SO ORDERED.

Dated: February 6, 2006


MARTIN J. JENKINS
United States District Court